

Cause No. C-2888-23-J

EDWARD DOMINGUEZ, § **IN THE DISTRICT COURT**
§
Plaintiff, §
§
§
vs. § **HIDALGO COUNTY, TEXAS**
§
§
§
CITY OF EDINBURG, §
§
Defendant. § **JUDICIAL DISTRICT**

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE COURT:

COMES NOW, Edward Dominguez "Plaintiff" complaining of City of Edinburg hereinafter called "Defendant" and respectfully show the Honorable Court and Jury as follows:

I.

DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under Level 3, pursuant to Rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

II.

AMOUNT SOUGHT

2. As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiffs seek monetary relief in excess of \$1,000,000.00. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiffs also seek pre-judgment and post-judgment interest at the highest legal rate.

21st day of August, 2023

DATE _____

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

By Shane C. Clegg Page 1

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III.
PARTIES

3. Plaintiff Edward Dominguez (“Plaintiff” or “Mr. Dominguez”) is an individual resident of Hidalgo County, Texas.

4. The City of Edinburg (“Defendant” or “Defendant”) is a governmental unit of the State of Texas and is the promulgator of the official customs and policies leading to the complained of incidents. Pursuant to Texas Civil Practices & Remedies Code § 17.024 (b), Defendant City of Edinburg may be served through its Mayor, Ramiro Garza, Jr., at 415 W University Drive, Edinburg, Texas 78539 or wherever he may be found. **Issuance of citation is requested at this time.**

IV.
JURISDICTION AND VENUE

5. The Court has jurisdiction over the controversy because the damages are within the jurisdictional limits of this Honorable Court.

6. Venue is proper pursuant to the TEXAS CIVIL PRACTICE & REMEDIES CODE §15.15 because this suit involves an action against City of Edinburg.

V.
FACTS

7. As early as October 21, 2018, Mr. Dominguez began voicing concerns regarding the governing conducted by Edinburg. Mr. Dominguez campaigned against a proposition regarding qualifications for municipal judges. Mr. Dominguez’s political speech went against the wishes of Defendant.

8. As time progressed, Mr. Dominguez became more outspoken regarding the perceived corruption within Defendant’s government. In response, on April 13, 2022, Defendant together

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with other local entities initiated a lawsuit for delinquent taxes. The alleged delinquent taxes dated to tax year 2018, the year Mr. Dominguez became more outspoken with his political beliefs.

9. In 2023, Defendant worked on its land identified as Property ID: 1274033. Mr. Dominguez petitioned Defendant to complain of perceived corruption regarding contract awards for the construction work conducted on this land. In response, Defendant directed its contractors to construct a pool of sewage behind Mr. Dominguez's land. The neighboring pool of sewage took away Mr. Dominguez's enjoyment of his own land. As a result of the hazardous pool, Mr. Dominguez contracted bacterial infections and was hospitalized.

10. Adjacent to Mr. Dominguez's property is a daycare center with children. Thus, upon information and belief, the toxic waste directed to harass Mr. Dominguez has likely caused injuries to bystanders.

11. Following Mr. Dominguez's hospitalization, Defendant informed Mr. Dominguez that it would conduct a random fire safety inspection of his premises. Thus, Defendant continues to retaliate against Plaintiff for Plaintiff's protected speech.

VI.
CAUSES OF ACTION

Retaliation Pursuant to 42 U.S.C. § 1983:

12. Plaintiff re-alleges the foregoing as though fully set forth herein.

13. At all relevant times, Defendant was acting under the color of state law, ordinance and/or regulation, statutes, custom, and usages of Defendant.

14. Plaintiff engaged in protected activity by petitioning his local governmental entity. Defendant took adverse action against Plaintiff that would chill a person of ordinary firmness

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from continuing the activity. The adverse action was motivated at least in part by the exercise of the protected activity.

15. The aforementioned actions of Defendant were a direct and proximate cause of the constitutional violations, injuries, and/or hospitalization of Plaintiff and damages suffered by Plaintiff.

Inverse Condemnation:

16. Plaintiff re-alleges the foregoing as though fully set forth herein.

17. At all relevant times, Plaintiff owned land adjacent to the property identified as Property ID: 1274033. Defendant intentionally performed certain acts, namely placing a pool of toxic materials next to Plaintiff's land. Such acts resulted in a taking, damaging, or destroying of Plaintiff's property without Plaintiff's consent.

Monell Liability:

18. Plaintiffs re-allege the foregoing as though fully set forth herein.

19. At all relevant times, Plaintiff's deprivation of rights was pursuant to official customs or policies. Such customs and policies were the moving force behind the constitutional violations. As such, Defendant has liability for the violations.

**VII.
DAMAGES**

20. As a proximate result of Defendant's negligence, Plaintiff suffered extensive injuries and damages including the following damages:

- a. Medical expenses in the past and future;
- b. Physical pain and suffering in the past and future;
- c. Mental anguish in the past and future;

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- d. Disfigurement in the past and future;
- e. Physical impairment in the past and future;
- f. Loss of consortium in the past and future;
- g. Unliquidated damages within the jurisdictional limits of this Court;
- h. Attorney's fees;
- i. Exemplary damages; and
- j. All other relief, in law and in equity, to which Plaintiff may be entitled.

VIII.
INTENT TO USE DEFENDANT'S DOCUMENTS

21. Any document produced by Defendants in response to written discovery will be used by Plaintiffs at any pre-trial proceeding or trial.

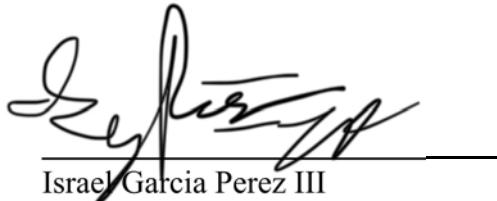
IX.
RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff have:

- a. Judgment against Defendant for Plaintiff's past and future damages;
- b. Interest on the judgment at the legal rate from the date of judgment;
- c. Pre-judgment interest on Plaintiff's damages as allowed by law;
- d. All costs of court; and
- e. Such other and further relief to which Plaintiffs may be justly entitled.

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Respectfully Submitted,

Israel Perez Law, PLLC

Israel Garcia Perez III

Texas Bar No. 24102349

Israel.Perez@IsraelPerezLaw.com

PO Box 260

Fate, Texas 75132

Phone: (956) 614-1414

Fax: (972) 942-8935

Please include IsraelPerezLaw@gmail.com on all
e-serve documents**ATTORNEY FOR PLAINTIFF**

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Filing Description: Plaintiff's Original Petition

Status as of 7/20/2023 11:08 AM CST

Associated Case Party: Edward Dominguez

Name	BarNumber	Email	TimestampSubmitted	Status
Aurora Montemayor		aurora@israelperezlaw.com	7/20/2023 10:35:00 AM	SENT
Israel Perez		israel.perez@israelperezlaw.com	7/20/2023 10:35:00 AM	SENT